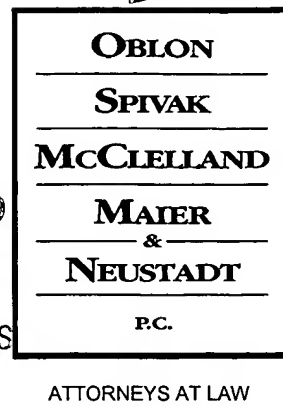




Docket No.: 218973US3

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RECEIVED
OCT 04 2004
OFFICE OF PETITIONS



RE: Application Serial No.: 10/061,150
Applicants: Michikazu MIYAMOTO, et al.
Filing Date: February 4, 2002
For: MULTISTAGE STROKE CYLINDER APPARATUS
Group Art Unit: 3747
Examiner: Unassigned

SIR:

Attached hereto for filing are the following papers:

Petition to Revive Under 37 C.F.R. § 1.137, Date-Stamped Filing Receipt dated March 19, 2004, PTO Cover letter, PTO Cover letters (2) (copies), Notice of Abandonment under 37 CFR § 1.53 (f) or (g) (copy), Request for Withdrawal of Holding of Abandonment Based on Failure to Receive the Notice to File Missing Parts (copy), Notice to File Corrected Application Papers (copy), Date-Stamped Filing Receipt dated May 2, 2002, Letter to the Official Draftsman (copy), Formal Drawings 7 sheets (copy)

Our check in the amount of 0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Gregory J. Maier

Registration No. 25,599

Robert T. Pous
Registration No. 29,099

Customer Number

22850

(703) 413-3000 (phone)

(703) 413-2220 (fax)

I:\USER\DNFRA\21\S\218\218973 PTO CVR LTR.DOC



DOCKET NO: 218973US3

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

#5

IN RE APPLICATION OF :
MICHIKAZU MIYAMOTO, ET AL. : EXAMINER: UNASSIGNED
SERIAL NO: 10/061,150 :
FILED: FEBRUARY 4, 2002 : GROUP ART UNIT: 3747
FOR: MULTISTAGE STROKE :
CYLINDER APPARATUS :

RECEIVED
OCT 04 2004

OFFICE OF PETITIONS

PETITION TO REVIVE UNDER 37 C.F.R. § 1.137

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the Notice of Abandonment dated January 21, 2004, Applicants, through counsel of record, respectfully request that the holding of abandonment for the above-identified application be withdrawn due to the fact that the Notice to File Missing Parts (Notice to File Corrected Application Papers) mailed by the Patent and Trademark Office on March 4, 2002 was satisfied with a filing of Formal Drawings on May 2, 2002. Copies of the original filing including a copy of the date-stamped filing receipt and enclosed.

Upon receipt of mail from the Patent and Trademark Office in this firm, all mail is opened and logged in a daily computer log. The due date is entered in the firm computer docketing system. At the time of entry into the computer, the serial numbers are checked to ensure that the correct docket number appears on the mail so that the documents are entered in the correct application in the computer and matched with the correct application file. Any due dates resulting from the Patent and Trademark Office mail are also entered in the computer.

After receiving the Notice of Abandonment, applicants filed, On March 19, 2004, a Request for Withdrawal of Holding of Abandonment Based on Failure to Receive the Notice to File Missing Parts. Copies of the original filing including a copy of the date-stamped filing receipt are enclosed.

On September 2, 2004 a representative for the applicant contacted Ms. Stokes at the USPTO OIPE department. Ms. Stokes advised the applicant's representative that a Petition to Revive was required.

It is believed that the above discussion and documents enclosed herewith clearly prove the nonreceipt of a Notice to File Missing Parts and the timely filing of the Formal Drawings requested by the Notice to File Corrected Application Papers dated March 4, 2002, therefore, the holding of abandonment was issued in error.

Accordingly, it is requested that the holding of abandonment be withdrawn and that prosecution be allowed to continue in the present application. No fees are required. However, in the event that a fee is required, please charge the appropriate amount to our Deposit Account No. 15-0030.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Robert T. Pous
Registration No. 29,099

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

GJM:dnf



3

- ✓ OSMM&N File No. 218973US3
- ✓ Serial No. 10/061,150
- ✓ In the matter of the Application of: Michikazu MIYAMOTO, et al.
- ✓ For: MULTISTAGE STROKE CYLINDER APPARATUS

Dept.: E/M

By: CIM/dgh

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OCT 04 2004

Due Date: 3-21-04

OFFICE OF PETITIONS

The following has been received in the U.S. Patent Office on the date stamped hereon

- ✓ ■ Letter (cover)
- ✓ ■ Notice of Abandonment Dated January 21, 2004
- ✓ ■ Request for Withdrawal of Holding of Abandonment Based on Failure to Receive 1 Notice to File Missing Parts
- ✓ ■ Attorney Declaration
- ✓ ■ Computer Log Printout Dated March 4, 2002 Through March 19, 2002
- ✓ ■ Copy of Date-Stamped Filing Receipt Dated February 4, 2002
- ✓ ■ Copy of Application as Filed on February 4, 2002

COPY

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dgh

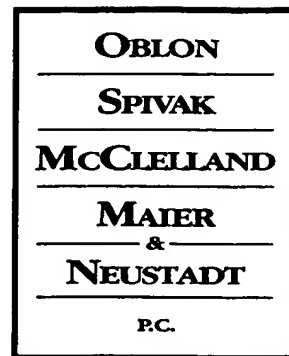
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Docket No.: 218973US3

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

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OCT 04 2004
OFFICE OF PETITIONS



ATTORNEYS AT LAW
C. IRVIN McCLELLAND
(703) 413-3000
IMCCLELLAND@OBLON.COM

RE: Application Serial No.: 10/061,150

Applicants: Michikazu MIYAMOTO, et al.

Filing Date: February 4, 2002

For: MULTISTAGE STROKE CYLINDER APPARATUS

Group Art Unit: 3747

Examiner: N/A

COPY

SIR:

Attached hereto for filing are the following papers:

NOTICE OF ABANDONMENT DATED JANUARY 21, 2004
REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT BASED ON FAILURE
TO RECEIVE THE NOTICE TO FILE MISSING PARTS
ATTORNEY DECLARATION
COMPUTER LOG PRINTOUT DATED MARCH 4, 2002 THROUGH MARCH 19, 2002
COPY OF DATED STAMPED FILING RECEIPT DATED FEBRUARY 4, 2002
COPY OF APPLICATION AS FILED ON FEBRUARY 4, 2002

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

C. Irvin McClelland
Registration No. 21,124

Customer Number
22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

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Robert T. Pous
Registration No. 29,099



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/061,150	02/04/2002	Michikazu Miyamoto	218973US3

CONFIRMATION NO. 9171

ABANDONMENT/TERMINATION
LETTER

OC000000011727742

22850
 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
 1940 DUKE STREET
 ALEXANDRIA, VA 22314

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OCT 04 2004

OFFICE OF PETITIONS

Date Mailed: 01/21/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 03/04/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

RECEIVED: 11/22/04
 OBLON, SPIVAK, McCLELLAND
 MAIER & NEUSTADT, P.C.

DOCKETING DEPT.

Initials/Date Docketed: PP1123/04
 Type of Resp(s): Pet to W/O Aband
 Due Date(s): 3-21-04

218973US3



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 04 2004

OFFICE OF PETITIONS

IN RE APPLICATION OF:

:

Michikazu MIYAMOTO, et al.

: EXAMINER: N/A

SERIAL NO: 10/061,150

: GROUP ART UNIT: 3747

FILED: February 4, 2002

:

COPY

TITLE: MULTISTAGE STROKE CYLINDER APPARATUS

**REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE THE NOTICE TO FILE MISSING PARTS**

Commissioner for Patents
Alexandria, VA. 22313-1450

Sir:

Responsive to the Notice of Abandonment dated January 21, 2004, Applicants, through counsel of record, respectfully request that the holding of abandonment for the above-identified Application be withdrawn due to the fact that the Notice to File Missing Parts mailed by the Patent and Trademark Office on March 4, 2002 was not received by Applicants' Attorneys. The facts concerning this matter are as follows.

Upon receipt of mail from the Patent and Trademark Office in this firm, all mail is opened and logged in a daily computer log. The due date is entered in the firm computer docketing system. At the time of entry into the computer, the serial numbers are checked to ensure that the correct docket number appears on the mail so that the documents are entered in the correct application in the computer and matched with the correct application file. Any due dates resulting from the Patent and Trademark Office mail are also entered in the computer.

Application No.: 10/061,150

Inventor: Michikazu MIYAMOTO, et al.

Request to Withdrawal Holding of Abandonment Based on Failure to Receive the Notice to File Missing Parts

Page: 2

After receiving the Notice of Abandonment, our computer system was checked. The computer Patent Due Dates section for the subject application did not show a current due date for the Declaration, nor did it show receipt of the Notice to File Missing Parts (see attached computer printout).

The application file was then pulled and the full contents of the file were reviewed. The application file contained no Notice to File Missing Parts. The Patent Office computerized Mail Log was then checked. All mail received from the Patent and Trademark Office is logged in the mail log by serial number or patent number, along with a description of the mail received, on a daily basis. Mail from the Patent Office is generally received by our firm within two or three days of mailing. However, to ensure a complete check, the daily log was checked from March 4, 2002 through March 19, 2002 and found to contain no record of having received the Notice to File Missing Parts for the above-identified application.

Also enclosed is a copy of the date-stamped filing receipt dated February 4, 2002 evidencing filing of the signed Declaration with the Application. A copy of the filed Application is attached herewith.

It is believed that the above discussion and documents enclosed herewith clearly prove the nonreceipt of the Notice to File Missing Parts and therefore, the holding of abandonment was issued in error.

Application No.: 10/061,150

Inventor: Michikazu MIYAMOTO, et al.

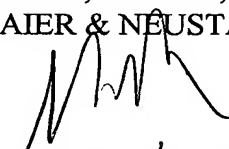
Request to Withdrawal Holding of Abandonment Based on Failure to Receive the Notice to File Missing Parts

Page: 3

Accordingly, it is requested that the holding of abandonment be withdrawn and that prosecution be allowed to continue in the present application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



C. Irvin McClelland
Registration No. 21,124
Attorney of Record

Customer Number

22850

Tel: (703) 413-3000

Fax: (703) 413-2220

CIM//dgh

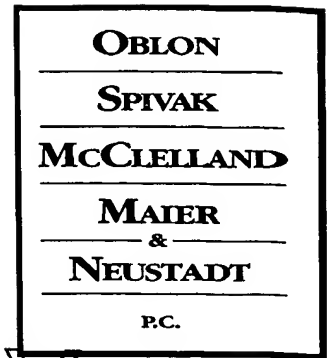
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Robert T. Pous
Registration No. 29,099



Docket No.: 218973US3

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231



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ATTORNEYS AT LAW

C. IRVIN McCLELLAND
(703) 413-3000
IMCCLLELAND@OBLON.COM

RE: Application Serial No.: 10/061,150
Applicants: Michikazu MIYAMOTO, et al.
Filing Date: 02/04/02
For: MULTISTAGE STROKE CYLINDER APPARATUS
Group Art Unit: 3747

SIR:

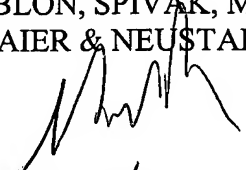
Attached hereto for filing are the following papers:

**NOTICE TO FILE CORRECTED APPLICATION PAPERS
LETTER TO THE OFFICIAL DRAFTSMAN
FORMAL DRAWINGS (7 SHEETS)**

Our check in the amount of \$-0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


C. Irvin McClelland
Attorney of Record
Registration No. 21,124

Robert T. Pous
Registration No. 29,099



22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)
CIM:dnf

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/061,150	02/04/2002	Michikazu Miyamoto	218973US3

CONFIRMATION NO. 9171

22850
OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT PC
FOURTH FLOOR
1755 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202

FORMALITIES LETTER



OC000000007569132

COPY *Drawings Due 5-4-02*

Date Mailed: 03/04/2002

NOTICE TO FILE CORRECTED APPLICATION PAPERS

RECEIVED
OCT 04 2004

Filing Date Granted

OFFICE OF PETITIONS

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

A copy of this notice MUST be returned with the reply.

Z. Araps
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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MAR 07 2002

OBLON, SPIVAK, MCCLELLAND,
MAIER & NEUSTADT, P.C.



Dept.: E/M

By: CIM:dnf

OSMM&N File No. 218973US3

Serial No. 10/061,150

In the matter of the Application of: Michikazu MIYAMOTO, et al.

For: MULTISTAGE STROKE CYLINDER APPARATUS

The following has been received in the U.S. Patent Office on the date stamped hereon:

- | | | |
|---|---|---|
| <input type="checkbox"/> pp. Specification | Claims/Drawings | Sheets |
| and Pages Application Data Sheet | | |
| <input type="checkbox"/> Combined Declaration, Petition & Power of Attorney | pages | |
| <input type="checkbox"/> List of Inventor Names and Addresses | | |
| <input type="checkbox"/> Utility Patent Application Transmittal | <input type="checkbox"/> CPA | |
| <input checked="" type="checkbox"/> Notice to File Corrected Application Papers | <input type="checkbox"/> Priority Doc | |
| <input type="checkbox"/> Check for | <input checked="" type="checkbox"/> Dep. Acct. Order Form | |
| <input type="checkbox"/> Fee Transmittal Form | | |
| <input type="checkbox"/> Assignment/PTO 1595 pages: | | |
| <input checked="" type="checkbox"/> Letter to Official Draftsman | | |
| <input type="checkbox"/> Letter Requesting Approval of Drawing Changes | | |
| <input checked="" type="checkbox"/> Drawings | 7 sheets | <input checked="" type="checkbox"/> Substitute Formal |
| <input checked="" type="checkbox"/> Cover Letter | | |
| <input type="checkbox"/> Amendment | | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> PTO-1449 | |
| <input type="checkbox"/> Cited References | | |
| <input type="checkbox"/> Search Report | | |
| <input type="checkbox"/> Statement of Relevancy | <input type="checkbox"/> Cited Pending Applications | |
| <input type="checkbox"/> IDS/Related/List of Related Cases | <input type="checkbox"/> Election Response | |
| <input type="checkbox"/> Restriction Response | | |
| <input type="checkbox"/> Rule 132 Declaration | | |
| <input type="checkbox"/> Petition for Extension of Time | | |
| <input type="checkbox"/> Notice of Appeal | | |
| <input type="checkbox"/> Brief | | |
| <input type="checkbox"/> Issue Fee Transmittal | | |
| <input type="checkbox"/> White Advance Serial Number Card | | |
| <input type="checkbox"/> Small Entity Status is claimed | | |
| <input type="checkbox"/> | | |
| <input type="checkbox"/> | | |



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OFFICE OF PETITIONS

Due Date: 05/04/02

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

Michikazu MIYAMOTO, et al.

: GROUP ART UNIT: 3747

SERIAL NO: 10/061,150

FILED: 02/04/02

FOR: MULTISTAGE STROKE CYLINDER APPARATUS

LETTER TO THE OFFICIAL DRAFTSMAN

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

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OCT 04 2004

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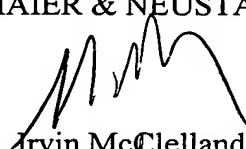
COPY

SIR:

In response to the Notice to File Corrected Application Papers, attached hereto please find 7 sheets of Substitute Formal Drawings. It is requested that the enclosed 7 sheets of Substitute Formal Drawings be entered to replace the drawings previously filed in this application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


C. Arvin McClelland
Registration No: 21,124
Attorney of Record



22850

CIM:dnf
(703) 413-3000
Fax: (703) 412-2220

Robert T. Pous
Registration No. 29,099

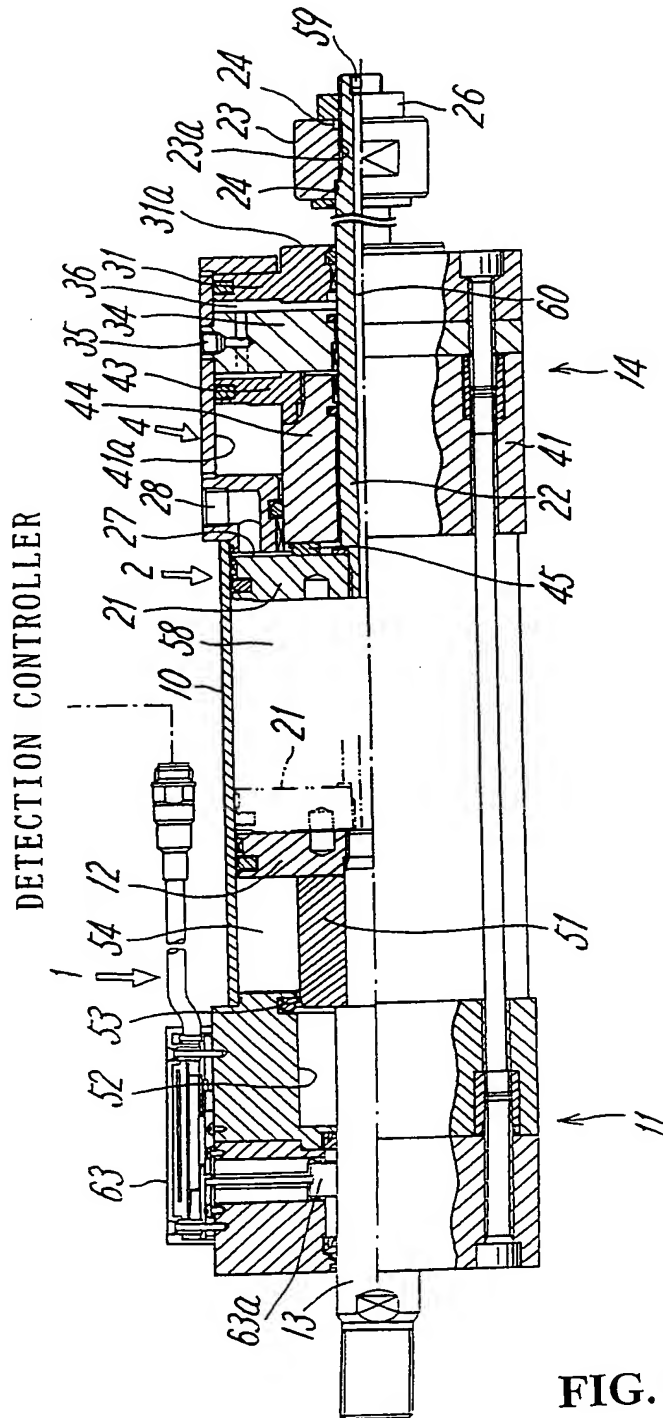


FIG. 1

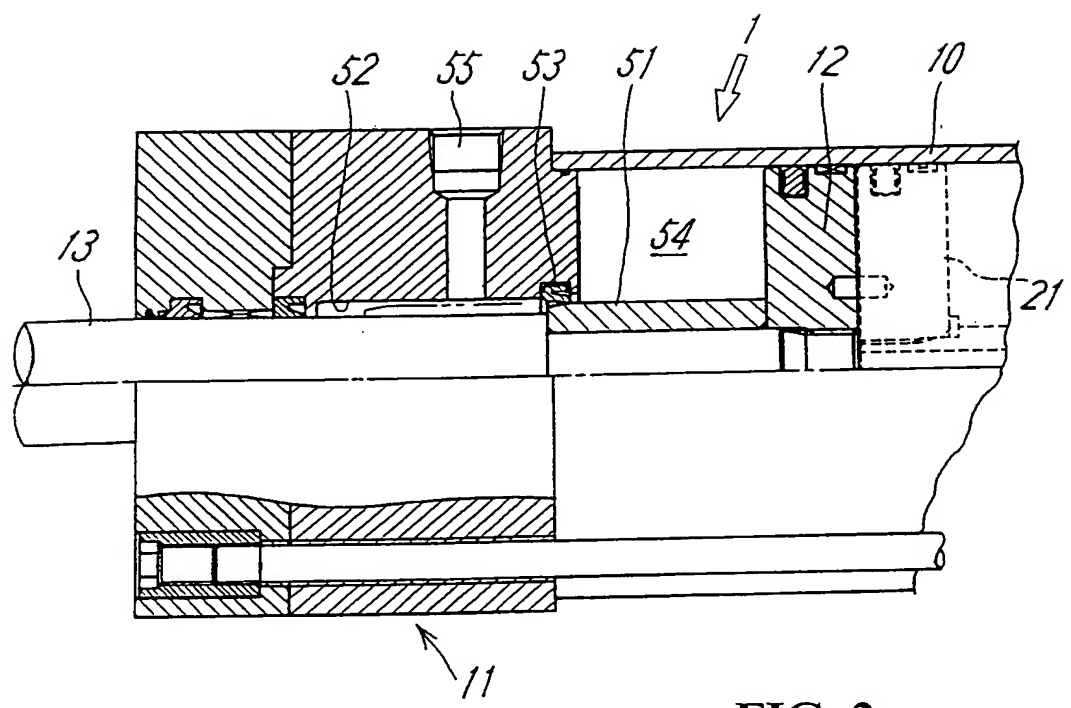


FIG. 2

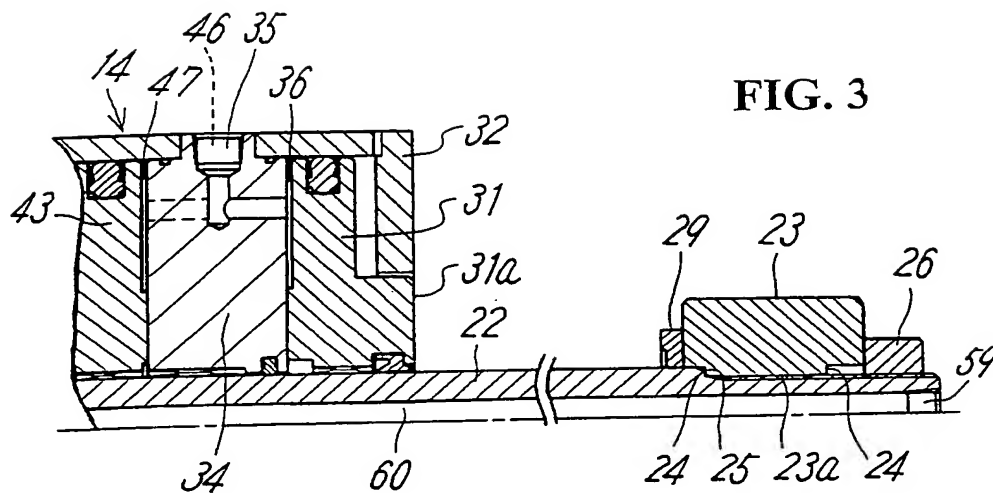


FIG. 3

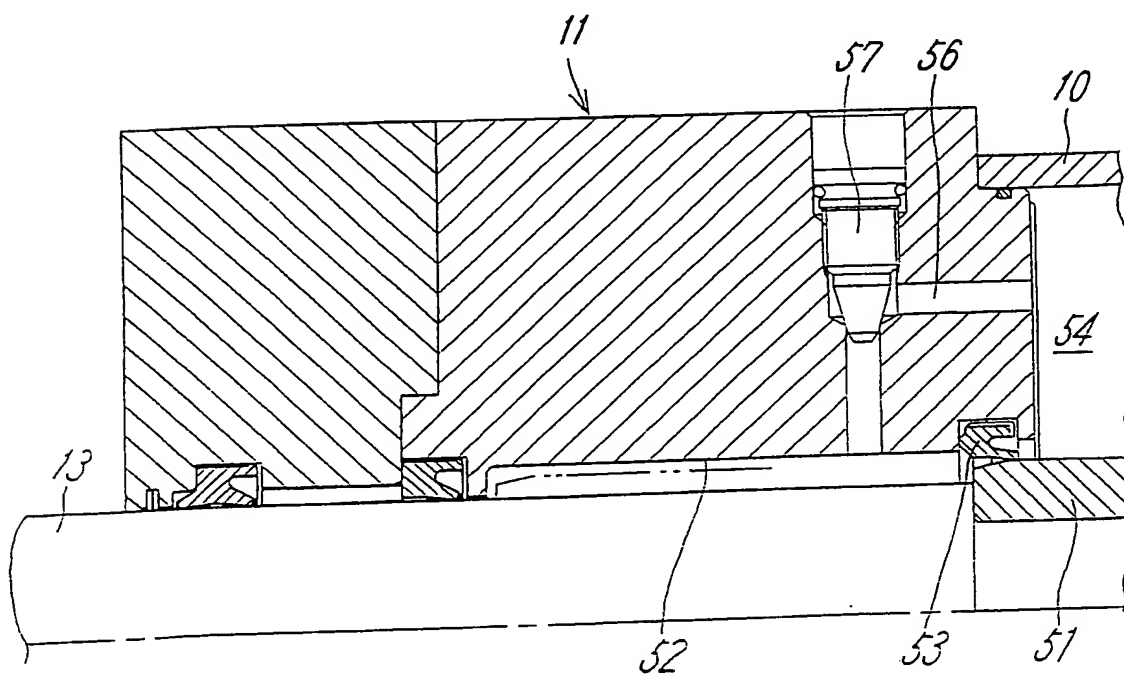


FIG. 4



FIG. 5

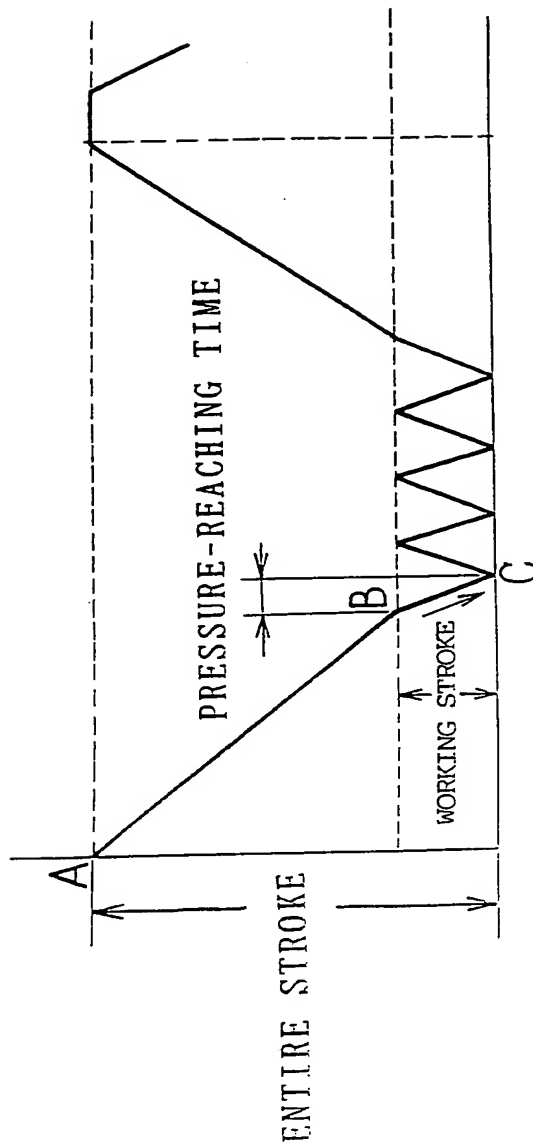




FIG. 6

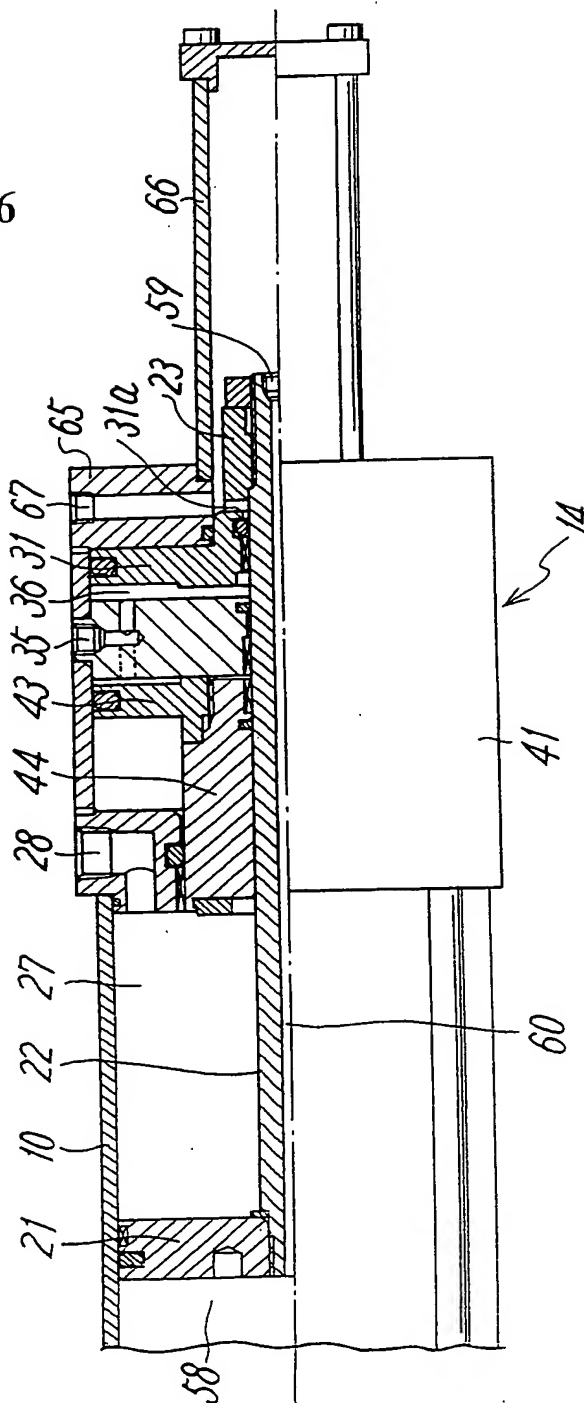




FIG. 7

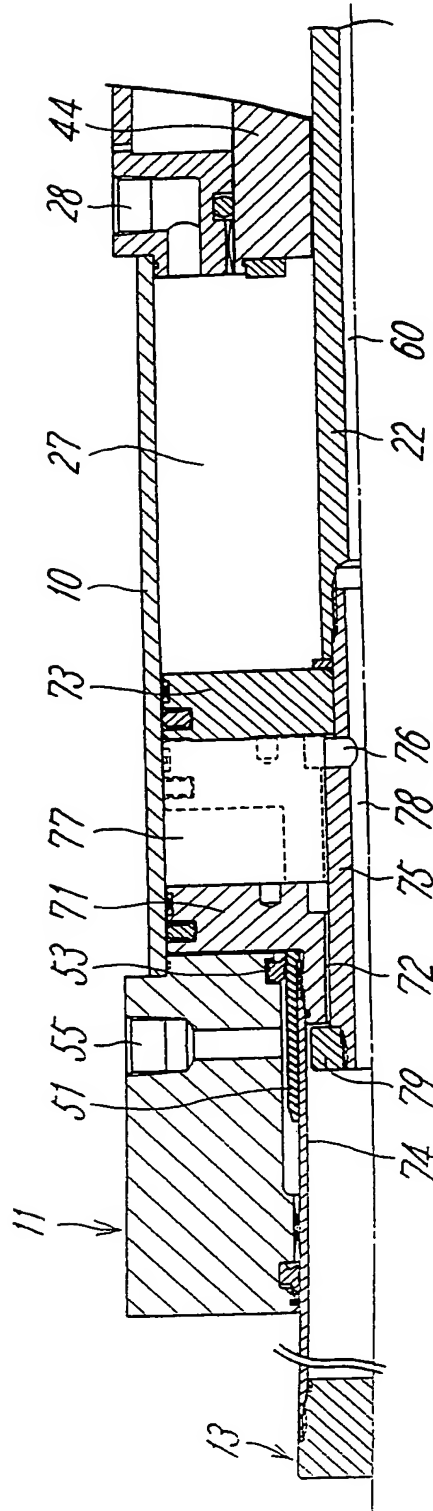




FIG. 8

